

EXHIBIT 1

Harris County Docket Sheet

2017-13228

COURT: 061st

FILED DATE: 2/27/2017

CASE TYPE: Other Injury or Damage



CHAVEZ, REYES MARTIN

Attorney: FARAH, GEORGE

VS.

ALABAMA METAL INDUSTRIES CORPORATION

Docket Sheet Entries

Date

Comment

Bryan St., Suite 900, Dallas, TX 75201.

III.
JURISDICTION

5. The subject matter in controversy is within the jurisdictional limits of this court.

6. The Court has jurisdiction over the Defendant, ALABAMA METAL INDUSTRIES CORPORATION, because Defendant is a foreign for profit-company and amenable to service by a Texas Court.

7. The Court has jurisdiction over the Defendant, AUTOMATION TEMPORARY SERVICES, because Defendant is a foreign for profit-company and amenable to service by a Texas Court.

IV.
VENUE

8. Venue is proper in Harris County, Texas. Specifically, venue is allowed in Harris County because all or a substantial part of the events and/or omissions occurred in Harris County, Texas.

V.
FACTS

9. On or about October 24, 2015, Plaintiff sustained injuries to his right hand while in the course and scope of his employment with Defendants.

10. On the date of the incident made basis this suit, Plaintiff had been assigned by his temporary employment agency, Defendant AUTOMATION TEMPORARY SERVICE (hereinafter Defendant "AUTOMATION") to perform duties for Defendant, ALABAMA METAL INDUSTRIES CORPORATION (hereinafter Defendant "AMICO") at Amico A Gibraltar Industries, Klemp Road, Dayton, TX 77001.

11. Prior to the incident made the basis of this suit, Defendant AMICO began to

outsource its metalwork and welding manufacturing to Defendant AUTOMATION.

12. Defendant AUTOMATION had control over the Plaintiff, his assignment to AMICO, and Plaintiff was employed as a metalworker and welder for AMICO through AUTOMATION.

13. Plaintiff received training, supervision, scope and assignment of job duties from Defendants. AMICO provided onsite job tools and equipment.

14. Defendant AMICO failed to provide the necessary tools and equipment to safely perform the job tasks assigned to Plaintiff.

15. Defendant AUTOMATION knew of Defendant AMICO's failure to provide the necessary tools and equipment to the temporary workers AUTOMATION contracted to AMICO.

16. Plaintiff observed the unsafe workplace and conditions AMICO provided to welders and questioned other employees and AMICO's supervisor.

17. Plaintiff learned from other workers and AMICO's supervisor that in order to perform the tasks assigned by AMICO he would have to create makeshift tools from scrap-metal around the jobsite.

18. In order to meet the demands of AMICO, Plaintiff was instructed to weld pieces of scrap metal together to create a grip-like tool to move and reposition large metal plates for welding. This tool did not efficiently nor effectively perform the task, and welders would have to use their hands to make slight adjustments to the plates.

19. Plaintiff was injured when he used his hand to reposition a metal plate at AMICO's worksite, under AMICO's direction and supervision.

VI.
NEGLIGENCE AGAINST DEFENDANTS

20. Defendants had a duty to exercise the degree of care that a reasonably careful person

would use to avoid harm to others under circumstances similar to those described herein.

21. Defendants had a duty to exercise reasonable care to avoid a foreseeable risk of injury to others.

22. That on the occasion in question, Defendants were guilty of numerous acts and/or omissions of negligence including, but not limited to the following:

- A. Failing to prevent injuries to Plaintiff when it reasonably appeared or should have appeared that in the exercise of his lawful rights, Plaintiff may be injured by a dangerous condition created by Defendants;
- B. Failing to exercise reasonable care to avoid a foreseeable risk of injury to others;
- C. Failing to take affirmative action to control or avoid increasing the danger from a condition that has been at least partially created by Defendants' conduct;
- D. Failing to use ordinary care in in aiding or protecting Plaintiff from peril, when the peril was under Defendants' control.

23. Defendants, AMICO and AUTOMATION had a duty to use ordinary care in providing a reasonably safe workplace.

24. Defendants, AMICO and AUTOMATION had a duty to use ordinary care in establishing rules and regulations for an employee's safety when its business was complex or hazardous.

25. Defendants, AMICO and AUTOMATION had a duty to use ordinary care in furnishing reasonably safe machinery or instrumentalities.

26. Defendants, AMICO and AUTOMATION had a duty to use ordinary care in supervising its employees' activities.

27. Defendants, AMICO and AUTOMATION had a duty to use ordinary care in

providing employees adequate help in the performance of work.

VII.
NEGLIGENT HIRING, SUPERVISION, TRAINING, OR RETENTION AGAINST
DEFENDANTS AMICO and AUTOMATION

28. Defendants AMICO and AUTOMATION had a duty to hire, supervise, train, or retain competent employees to avoid harm to others under circumstances similar to those described herein.

29. Plaintiff's injuries were proximately caused by Defendants' negligence, carelessness and reckless disregard of said duty.

30. Defendants' negligent, careless and reckless disregard of their duties consisted of, but is not limited to, the following acts and omissions:

- a. Failure to use ordinary care in adequately supervising Defendants' employees;
- b. Failure to adequately train Defendants' employees, including Plaintiff, to safely perform the tasks assigned;
- c. Failure to stop risk that Defendants' employees posed to Plaintiff; and
- d. Failure to remain knowledgeable about Defendants' employees' competence and fitness to perform tasks assigned to them.

VIII.
NEGLIGENCE PER SE

31. Defendants AMICO and AUTOMATION failed to follow Occupational Safety and Health Administration ("OSHA") standards required for Personal Protective Equipment, 29 CFR 1910 Subpart I, *et seq.*, and Welding, Cutting, and Brazing, 29 CFR 1910 Subpart Q, *et seq.*

32. The failure to follow these safety regulations, designed specifically for the protection of employees such as Plaintiff, lead to Plaintiff's injury, one the OSHA statute was designed to prevent.

33. Plaintiff will show Defendants' OSHA violation was willful and seeks the full civil penalty as provided under the statute.

34. Holding the Defendants liable for their violation of this statute is a fair and workable ruling, as this statute was enacted with the direct intent to protect the class of workers Plaintiff is a part of, and to prevent the type of injury Plaintiff suffered.

IX.
PROXIMATE CAUSE

35. Each and every, all and singular of the foregoing acts and omissions, on the part of Defendants, taken separately and/or collectively, constitute a direct and proximate cause of the injuries and damages set forth below.

X.
DAMAGES FOR PLAINTIFF

36. As a direct and proximate result of the occurrence made the basis of this lawsuit, and Defendants' acts as described herein, Plaintiff was caused to suffer severe injuries, and to endure pain, mental anguish and illness resulting in damages more fully set forth below.

37. As a direct and proximate result of the occurrence made the basis of this lawsuit, Plaintiff has incurred the following damages:

- A. Reasonable medical care and expenses in the past. These expenses were incurred by Plaintiff for the necessary care and treatment of the injuries resulting from the accident complained of herein and such charges are reasonable and were usual and customary charges for such services;
- B. Reasonable and necessary medical care and expenses which will, in all reasonable probability, be incurred in the future;
- C. Physical pain and suffering in the past;
- D. Mental anguish in the past;
- E. Physical pain and suffering in the future;

- F. Mental anguish in the future;
- G. Physical impairment in the past;
- H. Physical impairment which, in all reasonable probability, will be suffered in the future;
- I. Loss of earnings in the past;
- J. Loss of earning capacity which will, in all probability, be incurred in the future;
- K. Disfigurement in the past; and
- L. Disfigurement, which will, in all probability, be incurred in the future.

38. By reason of the above, Plaintiff seeks monetary relief over \$200,000 but not more than \$1,000,000.00 for which he sues.

XI.
PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff, REYES MARTIN CHAVEZ respectfully prays that the Defendants be cited to appear and answer herein, and that upon a final hearing of the cause, judgment be entered for the Plaintiff against Defendant, together with pre-judgment interest (from the date of injury through the date of judgment) at the maximum rate allowed by law; post-judgment interest at the legal rate, costs of court; and such other and further relief to which the Plaintiff may be entitled at law or in equity.

Respectfully submitted,

BY/s/ George K. Farah
GEORGE K. FARAH
State Bar No. 24040882
NATHAN E. INURRIA
State Bar No. 24101953
GUERRA & FARAH, PLLC
4101 Washington Ave, 3rd Floor
Houston, TX 77007

T: (713) 529-6606

F: (713) 529-6605

E: gkf@gflawoffices.com

E: nei@gflawoffices.com

ATTORNEYS FOR PLAINTIFF

PLAINTIFF HEREBY REQUESTS A TRIAL BY JURY



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office
this April 6, 2017

Certified Document Number: 74014646 Total Pages: 8

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com

CIVIL CASE INFORMATION SHEET

Chris Daniel - District Clerk
Harris County

Envelope No: 15530623

By EVANS, BONISHA E

Filed: 2/27/2017 12:00:00 AM

CAUSE NUMBER (FOR CLERK USE ONLY): 2017-13228 / Court: 061

STYLED Reyes Martin Chavez v. Alabama Metal Industries Corporation, and Automation Temporary Service

(e.g., John Smith v. All American Insurance Co., In re Mary Ann Jones, In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing.

1. Contact information for person completing case information sheet: Name: George K. Farah Email: gkf@gflawoffices.com Address: 4104 Washington Ave., 3rd fl City/State/Zip: Houston, TX 77007 Telephone: 713-529-6606 Fax: 713-529-6605 Signature: [Signature] State Bar No: 24040882		Names of parties in case: Plaintiff(s)/Petitioner(s): Reyes Martin Chavez Defendant(s)/Respondent(s): Alabama Metal Industries Corporation, and Automation Temporary Service (Attach additional page as necessary to list all parties)		Person or entity completing sheet is: <input checked="" type="checkbox"/> Attorney for Plaintiff/Petitioner <input type="checkbox"/> Pro Se Plaintiff/Petitioner <input type="checkbox"/> Title IV-D Agency <input type="checkbox"/> Other: Additional Parties in Child Support Case: Custodial Parent: Non-Custodial Parent: Presumed Father:					
2. Indicate case type, or identify the most important issue in the case (select only 1):									
Civil			Family Law						
Contract <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Consumer/DTPA <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Other Debt/Contract: Foreclosure <input type="checkbox"/> Home Equity—Expedited <input type="checkbox"/> Other Foreclosure <input type="checkbox"/> Franchise <input type="checkbox"/> Insurance <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Non-Competition <input type="checkbox"/> Partnership <input type="checkbox"/> Other Contract:		Injury or Damage <input type="checkbox"/> Assault/Battery <input type="checkbox"/> Construction <input type="checkbox"/> Defamation <input type="checkbox"/> Malpractice <input type="checkbox"/> Accounting <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional Liability: <input type="checkbox"/> Motor Vehicle Accident <input checked="" type="checkbox"/> Premises <input type="checkbox"/> Product Liability <input type="checkbox"/> Asbestos/Silica <input type="checkbox"/> Other Product Liability <input type="checkbox"/> Last Product: Baby food <input type="checkbox"/> Other Injury or Damage:		Real Property <input type="checkbox"/> Eminent Domain/Condemnation <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Trespass to Try Title <input type="checkbox"/> Other Property: Related to Criminal Matters <input type="checkbox"/> Expunction <input type="checkbox"/> Judgment Nisi <input checked="" type="checkbox"/> Non Disclosure <input type="checkbox"/> Seizure/Forfeiture <input type="checkbox"/> Writ of Habeas Corpus—Pre-indictment <input type="checkbox"/> Other:		Marriage Relationship <input type="checkbox"/> Annulment <input type="checkbox"/> Declare Marriage Void <input type="checkbox"/> Divorce <input type="checkbox"/> With Children <input type="checkbox"/> No Children Other Family Law <input type="checkbox"/> Enforce Foreign Judgment <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Name Change <input type="checkbox"/> Protective Order <input type="checkbox"/> Removal of Disabilities of Minority <input type="checkbox"/> Other:		Post-judgment Actions (non-Title IV-D) <input type="checkbox"/> Enforcement <input type="checkbox"/> Modification—Custody <input type="checkbox"/> Modification—Other Title IV-D <input type="checkbox"/> Enforcement/Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Reciprocity (UIFSA) <input type="checkbox"/> Support Order Parent-Child Relationship <input type="checkbox"/> Adoption/Adoption with Termination <input type="checkbox"/> Child Protection <input type="checkbox"/> Child Support <input type="checkbox"/> Custody or Visitation <input type="checkbox"/> Gestational Parenting <input type="checkbox"/> Grandparent Access <input type="checkbox"/> Parentage/Paternity <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> Other Parent-Child:	
Employment <input type="checkbox"/> Discrimination <input type="checkbox"/> Retaliation <input type="checkbox"/> Termination <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Other Employment:		Other Civil <input type="checkbox"/> Administrative Appeal <input type="checkbox"/> Antitrust/Unfair Competition <input type="checkbox"/> Code Violations <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Intellectual Property <input type="checkbox"/> Lawyer Discipline <input type="checkbox"/> Perpetuate Testimony <input type="checkbox"/> Securities/Stock <input type="checkbox"/> Tortious Interference <input type="checkbox"/> Other:							
Tax <input type="checkbox"/> Tax Appraisal <input type="checkbox"/> Tax Delinquency <input type="checkbox"/> Other Tax:		Probate & Mental Health Probate/Wills/Intestate Administration <input type="checkbox"/> Dependent Administration <input type="checkbox"/> Independent Administration <input type="checkbox"/> Other Estate Proceedings <input type="checkbox"/> Guardianship—Adult <input type="checkbox"/> Guardianship—Minor <input type="checkbox"/> Mental Health <input type="checkbox"/> Other:							
3. Indicate procedure or remedy, if applicable (may select more than 1):									
<input type="checkbox"/> Appeal from Municipal or Justice Court <input type="checkbox"/> Arbitration-related <input type="checkbox"/> Attachment <input type="checkbox"/> Bill of Review <input type="checkbox"/> Certiorari <input type="checkbox"/> Class Action		<input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Interpleader <input type="checkbox"/> License <input type="checkbox"/> Mandamus <input type="checkbox"/> Post-judgment		<input type="checkbox"/> Prejudgment Remedy <input type="checkbox"/> Protective Order <input type="checkbox"/> Receiver <input type="checkbox"/> Sequestration <input type="checkbox"/> Temporary Restraining Order/Injunction <input type="checkbox"/> Turnover					
4. Indicate damages sought (do not select if it is a family law case):									
<input type="checkbox"/> Less than \$100,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees <input type="checkbox"/> Less than \$100,000 and non-monetary relief <input type="checkbox"/> Over \$100,000 but not more than \$200,000 <input checked="" type="checkbox"/> Over \$200,000 but not more than \$1,000,000 <input type="checkbox"/> Over \$1,000,000									

Rev 2/13



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office
this April 6, 2017

Certified Document Number: 74014647 Total Pages: 1

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com

CIVIL PROCESS REQUEST
2017-13228 / Court: 061FOR EACH PARTY SERVED YOU MUST FURNISH ONE (1) COPY OF THE PLEADING
FOR WRITS FURNISH TWO (2) COPIES OF THE PLEADING PER PARTY TO BE SERVED

CASE NUMBER: _____ CURRENT COURT: _____

TYPE OF INSTRUMENT TO BE SERVED (See Reverse For Types): Plaintiff's Original Petition and Request for Disclosure and CitationFILE DATE OF MOTION: 2/24/17
Month/ Day/ Year

SERVICE TO BE ISSUED ON (Please List Exactly As The Name Appears In The Pleading To Be Served):

1. NAME: ALABAMA METAL INDUSTRIES CORPORATIONADDRESS: 1999 Bryan St., Suite 900, Dallas, TX 75201AGENT, (if applicable): CT Corporation System

TYPE OF SERVICE/PROCESS TO BE ISSUED (see reverse for specific type): _____

SERVICE BY (check one):

- ☐ ATTORNEY PICK-UP ☐ CONSTABLE
☐ CIVIL PROCESS SERVER - Authorized Person to Pick-up: _____ Phone: _____
☐ MAIL ☒ CERTIFIED MAIL
☐ PUBLICATION:
Type of Publication: ☐ COURTHOUSE DOOR, or
☐ NEWSPAPER OF YOUR CHOICE: _____
☒ OTHER, explain Please serve via certified mail by district clerk.

2. NAME: AUTOMATION TEMPORARY SERVICESADDRESS: 1999 Bryan St., Suite 900, Dallas, TX 75201AGENT, (if applicable): CT Corporation System

TYPE OF SERVICE/PROCESS TO BE ISSUED (see reverse for specific type): _____

SERVICE BY (check one):

- ☐ ATTORNEY PICK-UP ☐ CONSTABLE
☐ CIVIL PROCESS SERVER - Authorized Person to Pick-up: _____ Phone: _____
☐ MAIL ☒ CERTIFIED MAIL
☐ PUBLICATION:
Type of Publication: ☐ COURTHOUSE DOOR, or
☐ NEWSPAPER OF YOUR CHOICE: _____
☒ OTHER, explain Please serve via certified mail by district clerk.

ATTORNEY (OR ATTORNEY'S AGENT) REQUESTING SERVICE:

NAME: George K. Farah TEXAS BAR NO./ID NO. 24082708MAILING ADDRESS: 4101 Washington Ave., 3rd Floor Houston, TX 77007PHONE NUMBER: 713 529-6606 FAX NUMBER: 713 529-6607
area code phone number area code fax numberEMAIL ADDRESS: gkf@gflawoffices.com

SERVICE REQUESTS WHICH CANNOT BE PROCESSED BY THIS OFFICE WILL BE HELD FOR 30 DAYS PRIOR TO CANCELLATION. FEES WILL BE REFUNDED ONLY UPON REQUEST, OR AT THE DISPOSITION OF THE CASE. SERVICE REQUESTS MAY BE REINSTATED UPON APPROPRIATE ACTION BY THE PARTIES.

INSTRUMENTS TO BE SERVED:

(Fill In Instrument Sequence Number, i.e. 1st, 2nd, etc.)

ORIGINAL PETITION

_____ AMENDED PETITION

_____ SUPPLEMENTAL PETITION

COUNTERCLAIM

_____ AMENDED COUNTERCLAIM

_____ SUPPLEMENTAL COUNTERCLAIM

CROSS-ACTION:

_____ AMENDED CROSS-ACTION

_____ SUPPLEMENTAL CROSS-ACTION

THIRD-PARTY PETITION:

_____ AMENDED THIRD-PARTY PETITION

_____ SUPPLEMENTAL THIRD-PARTY PETITION

INTERVENTION:

_____ AMENDED INTERVENTION

_____ SUPPLEMENTAL INTERVENTION

INTERPLEADER

_____ AMENDED INTERPLEADER

_____ SUPPLEMENTAL INTERPLEADER

INJUNCTION

MOTION TO MODIFY

SHOW CAUSE ORDER

TEMPORARY RESTRAINING ORDER

BILL OF DISCOVERY:

ORDER TO: _____
(specify)

MOTION TO: _____
(specify)

PROCESS TYPES:

NON WRIT:

CITATION

ALIAS CITATION

PLURIES CITATION

SECRETARY OF STATE CITATION

COMMISSIONER OF INSURANCE

HIGHWAY COMMISSIONER

CITATION BY PUBLICATION

NOTICE

SHORT FORM NOTICE

PRECEPT (SHOW CAUSE)

RULE 106 SERVICE

SUBPOENA

WRITS:

ATTACHMENT (PROPERTY)

ATTACHMENT (WITNESS)

ATTACHMENT (PERSON)

CERTIORARI

EXECUTION

EXECUTION AND ORDER OF SALE

GARNISHMENT BEFORE JUDGMENT

GARNISHMENT AFTER JUDGMENT

HABEAS CORPUS

INJUNCTION

TEMPORARY RESTRAINING ORDER

PROTECTIVE ORDER (FAMILY CODE)

PROTECTIVE ORDER (CIVIL CODE)

POSSESSION (PERSON)

POSSESSION (PROPERTY)

SCIRE FACIAS

SEQUESTRATION

SUPERSEDEAS



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office
this April 6, 2017

Certified Document Number: 74014648 Total Pages: 2

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com

1016 1370 0001 2031 5704

p. 2

CAUSE NO. 201713228

RECEIPT NO.

75.00 CTM

TR # 73347652

PLAINTIFF: CHAVEZ, REYES MARTIN

vs.

DEFENDANT: ALABAMA METAL INDUSTRIES CORPORATION

In The 61st
Judicial District Court
of Harris County, Texas
61ST DISTRICT COURT
Houston, TX

CITATION (CERTIFIED)

THE STATE OF TEXAS
County of HarrisTO: AUTOMATION TEMPORARY SERVICES (A FOREIGN FOR-PROFIT CORPORATION)
BY SERVING THROUGH ITS REGISTERED AGENT CT CORPORATION SYSTEM

1999 BRYAN ST SUITE 900 DALLAS TX 75201

Attached is a copy of PLAINTIFF'S ORIGINAL PETITION**FILED**Chris Daniel
District Clerk

MAR 03 2017

Time

By

Harris County, Texas

Deputy

This instrument was filed on the 27th day of February, 2017, in the above cited cause number and court. The instrument attached describes the claim against you.

YOU HAVE BEEN SUED, You may employ an attorney. If you or your attorney do not file a written answer with the District Clerk who issued this citation by 10:00 a.m on the Monday next following the expiration of 20 days after you were served this citation and petition, a default judgment may be taken against you.

TO OFFICER SERVING:

This citation was issued on 3rd day of March, 2017, under my hand and seal of said Court.

Issued at request of:FARAH, GEORGE
4101 WASHINGTON AVE. 3RD FLOOR
HOUSTON, TX 77007
Tel: (713) 529-6606
Bar No.: 24040882

Chris Daniel

CHRIS DANIEL, District Clerk
Harris County, Texas
201 Caroline, Houston, Texas 77002
(P.O. Box 4651, Houston, Texas 77210)

Generated By: DENMON, BRIANNA JANEL 3B5//10619860

CLERK'S RETURN BY MAILING

Came to hand the _____ day of _____, _____, and executed by mailing to Defendant certified mail, return receipt requested, restricted delivery, a true copy of this citation together with an attached copy of PLAINTIFF'S ORIGINAL PETITION to the following addressee at address:

ADDRESS

(a) ADDRESSEE

Service was executed in accordance with Rule 106
(2) TRCP, upon the Defendant as evidenced by the return receipt incorporated herein and attached hereto aton _____ day of _____
by U.S. Postal delivery to _____

This citation was not executed for the following reason: _____

CHRIS DANIEL, District Clerk
Harris County, TEXAS

By _____, Deputy

1014 1370 0001 2031 5704

CAUSE NO. 201713228

RECEIPT NO.

75.00 CTM

TR # 73347652

PLAINTIFF: CHAVEZ, REYES MARTIN

vs.

DEFENDANT: ALABAMA METAL INDUSTRIES CORPORATION

In The 61st
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61ST DISTRICT COURT
Houston, TX

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County of HarrisTO: AUTOMATION TEMPORARY SERVICES (A FOREIGN FOR-PROFIT CORPORATION)
BY SERVING THROUGH ITS REGISTERED AGENT CT CORPORATION SYSTEM

1999 BRYAN ST SUITE 900 DALLAS TX 75201

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TO OFFICER SERVING:

This citation was issued on 3rd day of March, 2017, under my hand and seal of said Court.

*Chris Daniel*CHRIS DANIEL, District Clerk
Harris County, Texas
201 Caroline, Houston, Texas 77002
(P.O. Box 4651, Houston, Texas 77210)Issued at request of:FARAH, GEORGE
4101 WASHINGTON AVE. 3RD FLOOR
HOUSTON, TX 77007
Tel: (713) 529-6606
Bar No.: 24040882

Generated By: DENMON, BRIANNA JANEL 3B5//10619860

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by U.S. Postal delivery to _____

This citation was not executed for the following reason: _____

CHRIS DANIEL, District Clerk
Harris County, TEXAS

By _____, Deputy



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office
this April 6, 2017

Certified Document Number: 74129861 Total Pages: 2

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

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1010 1370 0001 2031 0498

CAUSE NO. 201713228

RECEIPT NO.

75.00

CTM

TR # 73347651

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vs.

DEFENDANT: ALABAMA METAL INDUSTRIES CORPORATION

In The 61st
Judicial District Court
of Harris County, Texas
61ST DISTRICT COURT
Houston, TX

CITATION (CERTIFIED)

THE STATE OF TEXAS
County of Harris

TO: ALABAMA METAL INDUSTRIES CORPORATION

(A FOREIGN FOR-PROFIT CORPORATION) MAY BE SERVED THROUGH ITS REGISTERED AGENT
CT CORPORATION SYSTEM

1999 BRYAN ST SUITE 300 DALLAS TX 75201

Attached is a copy of PLAINTIFF'S ORIGINAL PETITION**FILED**Chris Daniel
District Clerk

MAR 03 2017

Harris County, Texas
Deputy

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Chris Daniel

CHRIS DANIEL, District Clerk
Harris County, Texas
201 Caroline, Houston, Texas 77002
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4101 WASHINGTON AVE. 3RD FLOOR
HOUSTON, TX 77007
Tel: (713) 529-6606
Bar No.: 24040882

Generated By: DENMON, BRIANNA JANEL 3B5//10619860

CLERK'S RETURN BY MAILING

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ADDRESS

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by U.S. Postal delivery to _____

This citation was not executed for the following reason: _____

CHRIS DANIEL, District Clerk
Harris County, TEXAS

By _____, Deputy

Certified Document Number: 74129862 - Page 1 of 2

INT.CITM.P

73347651

1014 1310 0001 5081

CAUSE NO. 201713228

RECEIPT NO.
*****75.00 CTM
TR # 73347651PLAINTIFF: CHAVEZ, REYES MARTIN
vs.
DEFENDANT: ALABAMA METAL INDUSTRIES CORPORATIONIn The 61st
Judicial District Court
of Harris County, Texas
61ST DISTRICT COURT
Houston, TX

CITATION (CERTIFIED)

THE STATE OF TEXAS
County of HarrisTO: ALABAMA METAL INDUSTRIES CORPORATION
(A FOREIGN FOR-PROFIT CORPORATION) MAY BE SERVED THROUGH ITS REGISTERED AGENT
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1999 BRYAN ST SUITE 900 DALLAS TX 75201

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YOU HAVE BEEN SUED, You may employ an attorney. If you or your attorney do not file a written answer with the District Clerk who issued this citation by 10:00 a.m on the Monday next following the expiration of 20 days after you were served this citation and petition, a default judgment may be taken against you.

TO OFFICER SERVING:

This citation was issued on 3rd day of March, 2017, under my hand and seal of said Court.

*Chris Daniel*CHRIS DANIEL, District Clerk
Harris County, Texas
201 Caroline, Houston, Texas 77002
(P.O. Box 4651, Houston, Texas 77210)Issued at request of:
FARAH, GEORGE
4101 WASHINGTON AVE. 3RD FLOOR
HOUSTON, TX 77007
Tel: (713) 529-6606
Bar No.: 24040882

Generated By: DENMON, BRIANNA JANEL 3B5//10619860

CLERK'S RETURN BY MAILING

Came to hand the _____ day of _____, _____, and executed by mailing to Defendant certified mail, return receipt requested, restricted delivery, a true copy of this citation together with an attached copy of
PLAINTIFF'S ORIGINAL PETITION
to the following addressee at address:_____

(a) ADDRESSEE

ADDRESS

Service was executed in accordance with Rule 106
(2) TRCP, upon the Defendant as evidenced by the return receipt incorporated herein and attached hereto aton _____ day of _____,
by U.S. Postal delivery to _____

This citation was not executed for the following reason: _____

CHRIS DANIEL, District Clerk
Harris County, TEXAS

By _____, Deputy

Certified Document Number: 74129862 - Page 2 of 2

INT. CITM.P

73347651



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office
this April 6, 2017

Certified Document Number: 74129862 Total Pages: 2

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com

Case #
2017-13228

7016 1370 0001 2031 5704

U.S. Postal Service™ 2017-13228
CERTIFIED MAIL® RECEIPT 61st
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For delivery information, visit our website at www.usps.com

OFFICIAL RECEIPT

Certified Mail Fee \$ 3.35

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$ 2.75

☐ Return Receipt (electronic) \$

☐ Certified Mail Restricted Delivery \$

☐ Adult Signature Required \$

☐ Adult Signature Restricted Delivery \$

Postage \$ 1.50

Total Postage and Fees \$ 4.85

Sent To **ALABAMA METAL INDUSTRIES CORPORATION C/O CORPORATION SYSTEM**

Street and Apt. No. **1999 BRYAN STREET, SUITE 900**

City, State, ZIP+4® **DALLAS, TEXAS 75201**

PS Form 3800, 11-1-13

MAR 07 2017
 Chris Daniel
 District Clerk

7016 1370 0001 2031 5698

U.S. Postal Service™ 2017-13228
CERTIFIED MAIL® RECEIPT 61st
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For delivery information, visit our website at www.usps.com

OFFICIAL RECEIPT

Certified Mail Fee \$ 3.35

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$ 2.75

☐ Return Receipt (electronic) \$

☐ Certified Mail Restricted Delivery \$

☐ Adult Signature Required \$

☐ Adult Signature Restricted Delivery \$

Postage \$ 1.50

Total Postage and Fees \$ 4.85

Sent To **ALABAMA METAL INDUSTRIES CORPORATION C/O CORPORATION SYSTEM**

Street and Apt. No. **1999 BRYAN ST, SUITE 900**

City, State, ZIP+4® **DALLAS, TEXAS 75201**

PS Form 3800, 11-1-13

MAR 07 2017
 Chris Daniel
 District Clerk



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office
this April 6, 2017

Certified Document Number: 74202068 Total Pages: 1

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com

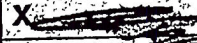
P2

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to:</p> <p>AUTOMATION TEMPORARY SERVICES C/O CT CORPORATION SYSTEM 1999 BRYAN STREET, SUITE 900 DALLAS, TEXAS 75201</p>		<p>A. Signature X <i>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) Chris Wells</p> <p>C. Date of Delivery MAR 10 2017</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>2017-13228 6151</p>	
<p>2. Article Number (Transfer from service label)</p> <p>7016 1370 0001 2031 5704</p>		<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™</p> <p><input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery (over \$500)</p>	
<p>PS Form 3811, July 2015 PSN 7530-02-000-9053</p>		<p>Domestic Return Receipt</p>	

USPS TRACKING #		First-Class Mail Postage & Fees Paid USPS Permit No. G-10	
<p>9590 9402 1973 6123 3717 22</p>		<p>2017 MAR 16 AM 6:32</p>	
<p>United States Postal Service</p>		<p>• Sender: Please print your name, address, and ZIP+4® in this box•</p> <p>CHRIS DANIEL, DISTRICT CLERK HARRIS COUNTY, TEXAS CIVIL INTAKE P.O. BOX 4651 HOUSTON, TEXAS 77210</p>	

Case # 2017-13228

RECORDER'S MEMORANDUM
This instrument is of poor quality
at the time of imaging

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>X </p>	
<p>1. Article Addressed to:</p> <p>ALABAMA METAL INDUSTRIES CORPORATION C/O CT CORPORATION SYSTEM 1999 BRYAN ST, SUITE 900 DALLAS, TEXAS 75201</p>		<p>B. Received by (Printed Name) Chris Daniel</p> <p>C. Date of Delivery MAR 16 2017</p>	
<p>2. Article Number (Transfer from service label)</p> <p>7016 1370 0001 2031 5698</p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If YES, enter delivery address below:</p> <p>2017-13228 61st</p>	
<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature</p> <p><input checked="" type="checkbox"/> Adult Signature Restricted Delivery</p> <p><input type="checkbox"/> Certified Mail®</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery</p> <p><input type="checkbox"/> Collect on Delivery</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery</p> <p><input type="checkbox"/> Registered Mail™</p> <p><input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Signature Confirmation Restricted Delivery</p>		<p>PS Form 3811, July 2015 PSN 7530-02-000-9053</p> <p>Domestic Return Receipt</p>	

USPS TRACKING#		First-Class Mail Postage & Fees Paid USPS Permit No. G-10	
<p>9590 9402 1973 6123 3717 39</p>		<p>FILED</p> <p>CHRIS DANIEL, DISTRICT CLERK HARRIS COUNTY, TEXAS CIVIL INTAKE P.O. BOX 4651 HOUSTON, TEXAS 77210</p> <p>2017 MAR 16 AM 6:32</p>	
<p>United States Postal Service</p> <p>2017 MAR 16 AM 6:32</p>		<p>FILED</p> <p>CHRIS DANIEL, DISTRICT CLERK HARRIS COUNTY, TEXAS</p>	



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office
this April 6, 2017

Certified Document Number: 74302753 Total Pages: 2

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com

NO. 2017-13228

REYES MARTIN CHAVEZ,	§	IN THE DISTRICT COURT OF
	§	
Plaintiff,	§	
	§	
v.	§	HARRIS COUNTY, TEXAS
	§	
ALABAMA METAL INDUSTRIES	§	
CORPORATION, and AUTOMATION	§	
TEMPORARY SERVICE,	§	
	§	
Defendants.	§	61ST JUDICIAL DISTRICT

**DEFENDANT ALABAMA METAL INDUSTRIES CORPORATION'S ORIGINAL
ANSWER AND DEFENSES TO PLAINTIFF'S ORIGINAL PETITION**

Defendant Alabama Metal Industries Corporation files its Original Answer and Defenses in response to Plaintiff's Original Petition as follows.

**I.
GENERAL DENIAL**

As authorized by Rule 92 of the Texas Rules of Civil Procedure, Defendant enters a general denial of the matters pleaded by Plaintiff and requests that the Court require Plaintiff to prove his charges and allegations by a preponderance of the evidence or clear and convincing evidence as required by the Constitution and the laws of the State of Texas.

**II.
AFFIRMATIVE AND OTHER DEFENSES**

By way of further answer, and without limiting in any way its general denial, Defendant pleads the following defenses and reserves the right to supplement these pleadings with further applicable defenses as more facts become available.

FIRST DEFENSE

Defendant pleads that Plaintiff's Petition fails, in whole or in part, to state a claim upon which relief can be granted.

SECOND DEFENSE

Defendant alternatively pleads that Plaintiff's claims are barred, in whole or in part, by the applicable statute of limitations.

THIRD DEFENSE

Defendant alternatively pleads that it is not liable, or has limited liability, for the conduct complained of by Plaintiff because Plaintiff's own actions caused or contributed to the alleged injury.

FOURTH DEFENSE

Defendant alternatively pleads that Plaintiff cannot support his negligence claims because he fails to establish an underlying duty that was breached by Defendant.

FIFTH DEFENSE

Defendant alternatively pleads that Plaintiff cannot support his negligence claims because he cannot establish that his alleged injuries were foreseeable by Defendant or that Defendant's actions or lack of action were the proximate cause of his injuries.

SIXTH DEFENSE

Defendant alternatively pleads that Plaintiff assumed the risk.

SEVENTH DEFENSE

Defendant alternatively pleads the defense of mitigation.

EIGHTH DEFENSE

Defendant alternatively pleads the defense of inferential-rebuttal.

III.
PRAYER

WHEREFORE, PREMISES CONSIDERED, Defendant Alabama Metal Industries Corporation prays that Plaintiff take nothing herein, and that Defendant has judgment for its costs and for such other and further relief, at law or in equity, to which it may be justly entitled.

Dated: April 3, 2017

Respectfully submitted,

/s/ Melissa J. Judd

Melissa J. Judd, Bar No. 24032945

mjudd@littler.com

LITTLER MENDELSON, P.C.

1301 McKinney Street, Suite 1900

Houston, Texas 77010

Telephone: (713) 951-9400

Facsimile: (713) 951-9212

ATTORNEYS FOR DEFENDANT
ALABAMA METAL INDUSTRIES
CORPORATION

CERTIFICATE OF SERVICE

I certify that on April 3, 2017, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

George K. Farah
Nathan E. Inurria
Guerra & Farah, PLLC
4101 Washington Avenue, 3rd Floor
Houston, Texas 77007
gkf@gflawoffices.com
nei@gflawoffices.com

/s/ Melissa J. Judd

Melissa J. Judd

2017-13228 / Court: 061

REYES MARTIN CHAVEZ		IN THE DISTRICT COURT OF
PLAINTIFF		
VS.		HARRIS COUNTY, TEXAS
ALABAMA METAL INDUSTRIES CORP		
AUTOMATION TEMPORARY SERVICE		61ST JUDICIAL DISTRICT

DEFENDANT'S MOTION TO DISMISS AND ORIGINAL ANSWER

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES, AUTOMATION PERSONNEL SERVICES INC., improperly identified by Plaintiff as AUTOMATION TEMPORARY SERVICE, and files this, its ORIGINAL ANSWER, subject to its MOTION TO DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION. "AUTOMATION" respectfully shows the Court as follows:

MOTION TO DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION

- 1: **AUTOMATION PERSONNEL SERVICES**, is, and at all times pertinent to this claim, has been a subscriber to Workers' Compensation Insurance and at the time of the Plaintiff's injury, was covered by Zurich American Insurance Company.
2. The Plaintiff, as correctly alleged, and now judicially admitted for purposes of this litigation, sustained his minor injury while within the course and scope of his employment with Automation.
3. Following Plaintiff's minor injury, he was provided, and he accepted, workers' compensation benefits from Zurich American Insurance Company.
4. Because Automation was, and is a subscriber to workers' compensation insurance, workers' compensation benefits are the Plaintiff's sole and exclusive remedy against Automation pursuant to Texas Labor Code Section 408.001 for a work-related injury sustained by an employee.
5. Because this Court does not have jurisdiction to award damages of any kind to the Plaintiff and against Automation, as a result of injuries sustained by the Plaintiff while within the course

and scope of his employment, the Court must dismiss the Plaintiff's allegations against Automation.

GENERAL DENIAL

6. Subject to this Motion to Dismiss, Automation hereby enters a General Denial and demands strict proof of all allegations against Automation

VERIFIED DENIAL

7. Automation shows the Court that because the Plaintiff was employed at the time of his injury by a subscribing employer, he is not entitled to recover in the capacity in which he sues. Likewise, because Automation is, and at all times pertinent to this claim has been, a subscriber to Workers' Compensation Insurance, it is not liable to the Plaintiff in the capacity in which it has been sued. Automation is also not liable because it has been sued as Automation Temporary Services.

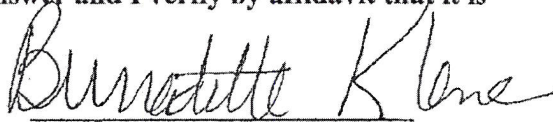
WHEREFORE PREMISES CONSIDERED, AUTOMATION PERSONNEL SERVICES PRAYS:

- A) That the Defendant's lawsuit against it be dismissed with prejudice for lack of subject matter jurisdiction;
- B) That the Court deny the Plaintiff all relief and that he go hence without delay and take nothing;
- C) That Automation be awarded all costs and attorney fees to which the Court may find it entitled.

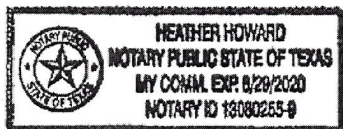
VERIFICATION

BEFORE ME, the undersigned authority, personally appeared Bernadette Klene, who made the following statements and swore that they were true:

"My name is Bernadette Klene. I am over 18 years of age and am competent to make this affidavit. I have personal knowledge of the matters stated within this Answer. I have read the verified denials contained within this Original Answer and I verify by affidavit that it is true and correct."


Bernadette Klene

SIGNED ON THIS 5th DAY OF APRIL 2017.



A handwritten signature in black ink, appearing to read 'Heather Howard', written over a horizontal line.

NOTARY PUBLIC
PRINTED NAME: Heather Howard
STATE OF TEXAS

Respectfully submitted,

LEWIS & BACKHAUS, PC
5501 LBJ Freeway Suite 800
Dallas, Texas 75240
(972) 233-8115 PHONE
(972) 692-5115 FAX

BY:

A handwritten signature in black ink, appearing to read 'Stephen J. Backhaus', written over a horizontal line.

STEPHEN J. BACKHAUS

sjb@lbpcglobal.com

SBN: 01493100

CERTIFICATE OF SERVICE

I certify that on this 6th day of April 2017 I have sent a copy of this Original Answer to the person listed below by certified mail, return receipt requested, article number 7015 1520 0003 4642 4611.

Mr. George Farah
41101 Washington Ave, 3rd Floor
Houston, Texas 77007

A handwritten signature in black ink, appearing to read 'Stephen J. Backhaus', written over a horizontal line.

Stephen J. Backhaus

NO. 2017-13228

REYES MARTIN CHAVEZ,	§	IN THE DISTRICT COURT OF
	§	
Plaintiff,	§	
	§	
v.	§	HARRIS COUNTY, TEXAS
	§	
ALABAMA METAL INDUSTRIES	§	
CORPORATION, and AUTOMATION	§	
TEMPORARY SERVICE,	§	
	§	
Defendants.	§	61ST JUDICIAL DISTRICT

**DEFENDANT ALABAMA METAL INDUSTRIES CORPORATION'S FIRST
AMENDED ANSWER AND DEFENSES TO PLAINTIFF'S ORIGINAL PETITION**

Defendant Alabama Metal Industries Corporation files its First Amended Answer and Defenses in response to Plaintiff's Original Petition as follows.

**I.
GENERAL DENIAL**

As authorized by Rule 92 of the Texas Rules of Civil Procedure, Defendant enters a general denial of the matters pleaded by Plaintiff and requests that the Court require Plaintiff to prove his charges and allegations by a preponderance of the evidence or clear and convincing evidence as required by the Constitution and the laws of the State of Texas.

**II.
AFFIRMATIVE AND OTHER DEFENSES**

By way of further answer, and without limiting in any way its general denial, Defendant pleads the following defenses and reserves the right to supplement these pleadings with further applicable defenses as more facts become available.

FIRST DEFENSE

Defendant pleads that Plaintiff's Petition fails, in whole or in part, to state a claim upon which relief can be granted.

SECOND DEFENSE

Defendant alternatively pleads that Plaintiff's claims are barred, in whole or in part, by the applicable statute of limitations.

THIRD DEFENSE

Defendant alternatively pleads that it is not liable, or has limited liability, for the conduct complained of by Plaintiff because Plaintiff's own actions caused or contributed to the alleged injury.

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FIFTH DEFENSE

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SIXTH DEFENSE

Defendant alternatively pleads that Plaintiff assumed the risk.

SEVENTH DEFENSE

Defendant alternatively pleads the defense of mitigation.

EIGHTH DEFENSE

Defendant alternatively pleads the defense of inferential-rebuttal.

NINTH DEFENSE

Defendant alternatively pleads that Plaintiff has failed to exhaust his administrative remedies.

TENTH DEFENSE

Defendant alternatively pleads that Plaintiff's claims are barred by the exclusivity provision under the Texas Workers' Compensation Act.

**III.
PRAYER**

WHEREFORE, PREMISES CONSIDERED, Defendant Alabama Metal Industries Corporation prays that Plaintiff take nothing herein, and that Defendant has judgment for its costs and for such other and further relief, at law or in equity, to which it may be justly entitled.

Dated: April 6, 2017

Respectfully submitted,

/s/ Melissa J. Judd

Melissa J. Judd, Bar No. 24032945

mjudd@littler.com

LITTLER MENDELSON, P.C.

1301 McKinney Street, Suite 1900

Houston, Texas 77010

Telephone: (713) 951-9400

Facsimile: (713) 951-9212

ATTORNEYS FOR DEFENDANT
ALABAMA METAL INDUSTRIES
CORPORATION

CERTIFICATE OF SERVICE

I certify that on April 6, 2017, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

George K. Farah
Nathan E. Inurria
Guerra & Farah, PLLC
4101 Washington Avenue, 3rd Floor
Houston, Texas 77007
gkf@gflawoffices.com
nei@gflawoffices.com

Stephen J. Backhaus
Lewis & Backhaus, PC
5501 LBJ Freeway Suite 800
Dallas, Texas 75240
sjb@lbpcglobal.com

/s/ Melissa J. Judd
Melissa J. Judd